

Appl. No. : 10/765,573
Filed : January 27, 2004

REMARKS

Applicant respectfully submits the following comments together with the amendments set forth above.

Certified Copy of Priority Documents

The Examiner has indicated that the United States Patent and Trademark Office has not received a certified copy of the foreign priority documents. Applicant respectfully submits that the certified copies were received in the parent application, U.S. Application No. 09/990,174, which was filed November 20, 2001. See PTO-316 Form mailed on April 28, 2003 in the '174 application. Applicant requests that the Examiner indicate that the United States Patent and Trademark Office has received the certified copies of the priority documents.

Acknowledgement of Allowable Subject Matter

The Examiner has indicated the Claims 24-31 stand allowed. The Examiner also has indicated that Claims 15-18 and 20 contain allowable subject matter.

Applicant gratefully acknowledges the Examiner's comments and indication of allowability; however, the Applicant also wants to ensure that the record clearly states that it is the subject matter of these claims as a whole that is patentable.

The Examiner stated that the "prior art fails to show the outlet communicating with the intake passage both upstream of the throttle and downstream of the upstream end of the inlet duct, as cited in Claim 24." First, to the extent that there is any implication that the patentability of Claim 24 rests on the recitation of the above-identified features, Applicant respectfully disagrees with the Examiner's Statement because it is the combination of features that makes Claim 24 patentable. Accordingly, Applicants submit that Claim 24 of the present application is allowable because Claim 24 recites a combination of features that is not taught or suggested by the prior art. Second, Claims 25-31 recite further patentable features and are not patentable merely because of their dependency.

Claims 13, 14 and 19 Are Not Anticipated By Nanami (United States Patent No. 6,190,221)

Claims 13, 14 and 19 have been rejected as anticipated by Nanami. Applicant disagrees with the Examiner's interpretation of Nanami but has clarified the claim.

Claim 13 now recites, along with many other limitations, that the inlet of the blow-by gas ventilation system is positioned lower than the outlet of the blow-by gas ventilation system. As

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Nanami explains at column 6, lines 33-50, the structure of Nanami features an inlet for the crankcase ventilating system that is substantially higher than the outlet for the crankcase ventilating system. In fact, Nanami explains that the positioning of the inlet relative to the outlet is such that, even when the watercraft is inclined sharply, the outlet will be below the inlet.

Because Nanami did not disclose the construction of Claim 13, and because Nanami even taught away from the claimed construction, Claim 13 is patentable over Nanami. Reconsideration and allowance of Claim 13 is respectfully requested.

Claims 14 and 19, which depend from Claim 13, are patentable for at least the same reasons as Claim 13. Moreover, these claims recite further patentable limitations. Reconsideration and allowance of Claims 14 and 19 is respectfully requested.

Conclusion

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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